

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY L. RUSSELL,  
Petitioner,

v.

MARK PETERSON, et al.,  
Respondents.

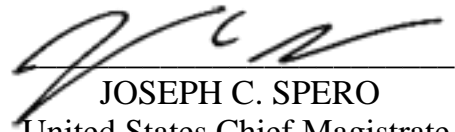
Case No. [14-cv-05291-JCS](#) (PR)

**ORDER OF DISMISSAL**

Petitioner has failed to comply with the Court's order to (1) perfect his application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$5.00. His IFP application is incomplete because it does not contain a prison trust account statement showing transactions for the last six months. Accordingly, the action is **DISMISSED** without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b).<sup>1</sup> Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion **must** contain (1) a prison trust account statement showing transactions for the last six months, **or** (2) full payment for the filing fee of \$5.00. Petitioner's IFP application (Docket Nos. 2 and 4) is **DENIED** as insufficient. The Clerk shall terminate Docket Nos. 2 and 4, enter judgment in favor of respondents, and close the file.

**IT IS SO ORDERED.**

**Dated:** January 22, 2015

  
JOSEPH C. SPERO  
United States Chief Magistrate Judge

<sup>1</sup> Petitioner has consented to magistrate judge jurisdiction. (Pet. at 7.) The magistrate judge, then, has jurisdiction to decide this motion, even though respondents have not been served or consented to magistrate judge jurisdiction. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995).

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY L. RUSSELL,  
Plaintiff,

v.

MARK PETERSON, et al.,  
Defendants.

Case No. [14-cv-05291-JCS](#)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 1/22/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Larry L. Russell ID: AR8643  
California State Prison-Solano  
P.O. Box 4000  
Vacaville, CA 95696-4000

Dated: 1/22/2015

Richard W. Wieking  
Clerk, United States District Court

By: Karen L. Hom  
Karen Hom, Deputy Clerk to the  
Honorable JOSEPH C. SPERO

United States District Court  
Northern District of California